

Appl. No. 10/651,322
Atty. Docket No. 8441C
Amdt. dated 16 July 2004
Reply to Office Action of 06/16/2004
Customer No. 27752

REMARKS

Claims 1-36 are pending in the present application.

Claims 16-36 have been withdrawn as being drawn to non-elected subject matter following the imposition of a Restriction Requirement under 35 USC 121.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Election / Restriction Under 35 USC 121

The Office Action states that restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-15 drawn to an atmosphere modifying device, classified in class 261;
- II. Claims 16-22 and 35-36 drawn to a package (or kit), classified in class 206;
- III. Claims 23-22 drawn to a method of packaging, classified in class 53;
- IV. Claim 34, drawn to a method of promoting sales, classified in class 705.

The Applicants hereby elect to prosecute the subject matter of Group I (claims 1-15), without traverse. The Applicants respectfully request the withdrawal of claims 16-34 from the present application, as being drawn to non-elected subject matter. The Applicants reserve the right to pursue the subject matter of said claims via the filing of one or more divisional applications during the pendency of the present case.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider the present application. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form examination on the merits and allowance. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the restriction presented herein, and allowance of Claims 1-15.

Respectfully submitted,

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